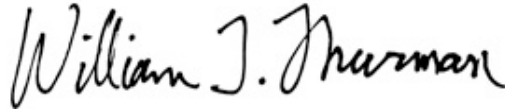


**This order is SIGNED.**

**Dated: August 18, 2017**



**WILLIAM T. THURMAN**  
**U.S. Bankruptcy Judge**



Proposed Order Prepared and Submitted By:

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Adelaide Maudsley (#8791)  
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*Counsel for Sanjiv Noronha*  
*(Limited/Special Appearance)*

**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re CS MINING, LLC,

Debtor.

CLARITY COPPER, LLC, a California  
limited liability company; and SKYE  
MINERAL INVESTORS, LLC, an Ohio  
limited liability company;

Plaintiffs,

v.

DXS CAPITAL (U.S.) LIMITED, a Delaware  
corporation, et al.,

Defendants.

Bankruptcy Case No. 16-24818

Chapter 11

Adversary Case No. 16-02114-WTT

Hon. William T. Thurman

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**ORDER GRANTING MOTION TO QUASH SERVICE OF  
SUMMONS AND COMPLAINT ON SANJIV NORONHA PURSUANT  
TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 7012(b) AND  
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(5)**

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The “Motion to Quash Service of Summons and Complaint on Sanjiv Noronha Pursuant to Federal Rule of Bankruptcy Procedure 7012(b) and Federal Rule of Civil Procedure 12(b)(5)” (Docket No. 22) (the “Motion”) having come before the Court for hearing on August 16, 2017, at 3:00 p.m. prevailing Mountain Time, and Adelaide Maudsley of Kirton McConkie and Paul C. Huck, Jr. of Jones Day having appeared on behalf of Defendant Sanjiv Noronha (“Mr. Noronha”) and Daniel E. Barnett of Parr Brown Gee & Loveless having appeared on behalf of Plaintiffs Clarity Copper, LLC and Skye Mineral Investors, LLC, and the Court having considered the papers submitted in support of and in opposition to the Motion and the arguments of counsel at the hearing, and the Court having stated its ruling on the record at the hearing and the support therefor, including that the process immunity privilege applies, and for good cause appearing,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. Service of the summons and complaint in this action made on May 31, 2017 on Mr. Noronha is quashed.

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END OF ORDER

**DESIGNATION OF PARTIES TO RECEIVE NOTICE**

Service of the foregoing **(PROPOSED) ORDER GRANTING MOTION TO QUASH SERVICE OF SUMMONS AND COMPLAINT ON SANJIV NORONHA PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 7012(b) AND FEDERAL RULE OF CIVIL PROCEDURE 12(b)(5)** shall be served to the parties and in the manner indicated below:

**BY ELECTRONIC SERVICE:** The undersigned hereby certifies that the parties of record in this case as identified below, are registered CM/ECF users.

- Patricia W. Christensen pchristensen@parrbrown.com
- Joseph M.R. Covey calendar@parrbrown.com
- Paul C. Huck paulhuck@jonesday.com, apolo@jonesday.com
- Pedro A. Jimenez pjimenez@jonesday.com
- David E. Leta dleta@swlaw.com, wkalawaia@swlaw.com;csmart@swlaw.com
- Ralph R. Mabey rmabey@kmclaw.com
- Adelaide Maudsley amaudsley@kmclaw.com, tslaughter@kmclaw.com
- A.M. Cristina Perez Soto cperezsoto@jonesday.com
- Jeff D. Tuttle jtuttle@swlaw.com, jpollard@swlaw.com;docket\_slc@swlaw.com

**BY US MAIL:** In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b).

Christopher Grivakes  
333 South Hope Street, Suite 2610  
Los Angeles, CA 90071

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 18, 2017, the foregoing **(PROPOSED)** **(PROPOSED) ORDER GRANTING MOTION TO QUASH SERVICE OF SUMMONS AND COMPLAINT ON SANJIV NORONHA PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 7012(b) AND FEDERAL RULE OF CIVIL PROCEDURE 12(b)(5)** was filed with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system and was electronically served by CM/ECF to each of the following counsel of record:

- Patricia W. Christensen pchristensen@parrbrown.com
- Joseph M.R. Covey calendar@parrbrown.com
- Paul C. Huck paulhuck@jonesday.com, apolo@jonesday.com
- Pedro A. Jimenez pjimenez@jonesday.com
- David E. Leta dleta@swlaw.com, wkalawaia@swlaw.com;csmart@swlaw.com
- Ralph R. Mabey rmabey@kmclaw.com
- Adelaide Maudsley amaudsley@kmclaw.com, tslaughter@kmclaw.com
- A.M. Cristina Perez Soto cperezsoto@jonesday.com
- Jeff D. Tuttle jtuttle@swlaw.com, jpollard@swlaw.com;docket\_slc@swlaw.com

/s/ Torri Slaughter

Legal Assistant